

**Massachusetts Board of Registration in Embalming and Funeral Directing
Public Session Minutes
Meeting of 8/29/18**

Held at
1000 Washington Street, Boston, MA, 02118
At 10:00 a.m.
Room 1D

Board Members Present:

Patrick Driscoll
Paul Phaneuf
Peter Stefan
Richard Gormley
Janet Leombruno

Staff Members Present:

Michael Hawley, Executive Director
Thomas Burke, Associate Executive Director
Peter Kelley, Board Counsel
Robert Williams, Investigator
Christopher Carroll, Chief Investigator

Members of the Public Present:

Brian Campbell
Glenn Campbell
Rowena Wesley
Rebecca Ridley
Manolito Diaz
Leona Hertzendorf
Holly R Warco

Jean Kolling
Denisa Robles
Agustane Sabia
Sarah Forbes
Richard Monighetti
Aida R. Lopes

Call to Order

Mr. Phaneuf called the meeting to order at 10:10 a.m. Board staff reviewed building evacuation procedures and noted the location of restrooms.

Review of Minutes

The Board reviewed staff prepared open session minutes of the meeting held on July 17, 2018.

Mr. Stefan moved to accept staff prepared open session minutes of the meeting held on July 17, 2018. Mr. Gormley seconded the motion. Motion passed by all Board members present.

Report from Executive Director Michael Hawley

Mr. Hawley reported that as of January 1, 2018 the Board has issued license registration to forty funeral assistants and twenty-six apprentice embalmers. He noted that current license renewal applications have been mailed but contain the incorrect due date for pre-need reports. Board staff will send corrected information to be included with the updated pre-need report. Director Hawley stated that staff has implemented a correction to remove

duplicate funeral establishments from license records, and corrected renewal applications have been mailed upon request. He also noted that staff is now upgrading all funeral registrants who have received a new level of licensure in the past year to avoid the printing of duplicate renewal applications. Finally, Board chair Paul Phaneuf and Secretary Patrick Driscoll reviewed the policy that Type 6 Funeral Directors do not need to be employed at a funeral establishment in order to practice. Mr. Hawley reminded the Board that apprentice embalmers who exceed the six year limit may petition the Board for an extension or apply for other funeral registration.

Ms. Janet Leombruno arrived at 10:17 am for EM Board Meeting and subsequent review.

Report from Legal Counsel, Peter M. Kelley

Attorney Kelley announced to the Board that beginning on September 5, 2018 he will be on a special assignment through the rest of the calendar year. Mr. Bruce Hopper, Chief Legal Counsel, will be serving as ad-hoc Board counsel in his stead. Attorney Kelley stated that he advised Neptune Cremation Services to submit a consumer disclosure form to the Board for review. The form should include the names of the different funeral establishments and directors who will be responsible for the removal and transportation of dead human bodies in conjunction with Neptune Cremation. Mr. Kelley reported to the Board that the Massachusetts legislature passed the statute giving local boards of health discretion in the burial of the unclaimed dead. The statute, he noted, allows, but does not obligate, local board of health officials to authorize cremations in the disposition of unclaimed dead human bodies. Mr. Kelley also noted that he has received no objections in response to his letter to New England funeral boards regarding reciprocity agreements for conducting funerals across contiguous state lines pursuant to G. L. c. 112, § 85A.

Report from Christopher Carroll, Chief Investigator

Mr. Carroll updated the Board on ongoing investigations at this time.

Discussion

Mr. Hawley and Attorney Kelley reported to the Board that MFDA has submitted revisions to the 2018 preneed report but not in time to share with Board members. Mr. Hawley stated that both reports will be presented to the Board at the September meeting to ensure that subsequent changes comport with the Board's regulations.

Application Review:

Type 6 – Review and vote on applications

- Brian Campbell
- Aida Lopes
- Rowena Wesley

Mr. Driscoll moved to approve the above candidates for licensure. Ms. Leombruno seconded. The motion passed unanimously.

Type 6 (Reciprocity) – Review and vote on application

- Manolito Diaz (Reciprocity)

Mr. Gormley moved to table Mr. Diaz’s application and ordered that he submit a corrected application for subsequent review by the Board. Ms. Leombruno seconded. The motion passed unanimously.

Type 3 - Review and vote on application

- Richard Monighetti

Establishments – Review and vote on applications

- Neptune Cremation Services

The Board reviewed the price list for Neptune Cremation Services but did not receive the consumer disclosure documentation as requested. As a result, the Board tabled further review of the Type 3 and Establishment applications until the September, 2018 meeting. Ms. Leombruno motioned to table and Mr. Driscoll seconded. The motion passed unanimously.

Apprentice Embalmer – Review of application

- Denisa Robles

Discussion of Ms. Robles’ loss of nursing assistant certification in 2006. Mr. Driscoll moved to approve the above candidate for licensure. Ms. Leombruno seconded. The motion passed unanimously among present Board members. Mr. Stefan took no part in the discussion of or deliberation on this matter.

Executive Session: to discuss the reputation and character, rather than the professional competence of an individual, pursuant to G. L. c. 30A, § 21(a)(1)

At 12:34 p.m., Ms. Leombruno moved to go into executive session to review reputation or character rather than professional competence of applicants, pursuant to G. L. c. 30A, § 21(a)(1). Mr. Driscoll seconded the motion. Motion passed by a roll call vote: Mr. Phaneuf: “Yes”, Mr. Stefan: “Yes”, Mr. Gormley: “Yes”, Ms. Leombruno: “Yes”, and Mr. Driscoll: “Yes”.

At 12:54 p.m., Ms. Leombruno moved to exit executive session and enter open session. Mr. Driscoll seconded the motion. Motion passed by a roll call vote: Mr. Phaneuf: “Yes”, Mr. Stefan: “Yes”, Mr. Gormley: “Yes”, Ms. Leombruno: “Yes”, and Mr.

Driscoll: “Yes”. Mr. Phaneuf announced that the Board would adjourn for lunch. He stated that the Board would return at approximately 1:30 p.m.

See Separate minutes for Executive Session actions.

Lunch Break

At 1:38 p.m. the meeting resumed.

Continuing Education Provider Applications:

The Board reviewed the following applications:

Academy of Professional Funeral Service Practice

- Family Assisted Dress Experience (FADE)
- Progressive Desaiology for the Modern Embalmer
- Religion in the United States: What Every Funeral Director Should Know

Frazer Consultants

- A Place to Go: Why Ceremonies Matter

FINE Mortuary College

- Upping your Game – What to Do when the Competition levels the Playing Field

The North American Division of the British Institute of Embalmers

- The Challenges of Embalming Frozen Bodies

Selected Independent Funeral Homes

- 2019 NextGen Seminary January 27-31, 2019

Flanner Buchanan

- Heightened Awareness: Addressing Potential Violence
- Handling a High-Profile Funeral

MFDA

- Building a Better Business CEU Session: Professional Embalmer’s Session
- Building a Better Business CEU Session Program: Your Funeral Home’s Annual Financial Check-Up

ICCFA

- 2018 Fall Management Course

NFDA

- Funerals Build Resilient Kids
- Professional Presence: Body Language
- RSVP: I'll See You at My Living Funeral
- Techniques for Edema and Long Bone Donation
- Digital Marketing Done Right
- Embracing Diversity: Tapping into Your Team's Unique Strengths
- Business Succession Planning

Funeral Service Academy

- Grief Management: An Overview for Funeral Professionals

Mr. Driscoll moved to approve and accept all continuing education courses. The motion was seconded by Ms. Leombruno. The motion passed unanimously.

Closed session, Investigative Conferences [Closed pursuant to M.G.L. c. 112, § 65C]

At 1:41 p.m., Mr. Driscoll moved to suspend the open meeting and enter into closed session to conduct investigative conferences to discuss disciplinary cases pursuant to M.G.L. c. 112, § 65C. The motion was seconded by Ms. Leombruno. **The motion passed unanimously.**

During the closed session, the Board took the following actions:

- EM-2016-0000799-IT-ENF – Tabled. Board requested additional information.
- EM-2018-000633-IT-ENF – Dismissed with Advisory Letter.
- EM-2018-000643-IT-ENF – Dismissed.
- EM-2018-000646-IT-ENF – Forwarded to Prosecutions. Mr. Gormley took no part in the discussion of our deliberation on this matter.
- EM-2018-000688-IT-ENF – Dismissed with Advisory Letter.
- EM-2018-000800-IT-ENF – Close matter.
- FE-2018-000413-IT-ENF – Dismissed.
- EM-2018-000875-IT-ENF – Forwarded to Prosecutions.
- FE-2018-000874-IT-ENF – Tabled. Board requested additional information.
- EM-2016-000590-IT-ENF – Close matter.
- EM-2018-000740-IT-ENF – Dismissed.

At 3:04 p.m. Mr. Driscoll moved to exit closed session. The motion was seconded by Ms. Leombruno. **The motion passed unanimously.**

Adjournment

At 3:05 p.m. Ms. Leombruno moved to adjourn the meeting. Mr. Driscoll seconded the motion. **Motion passed unanimously.**

List of Documents used at the meeting:

1. Agenda
2. Minutes from previous meeting(s) where applicable
3. Applications for personal registration
4. Continuing education provider applications

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Michael Hawley". The signature is written in dark ink and is positioned above a horizontal line.

Michael Hawley
Executive Director